



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,426	06/15/2001	Hugh Boyd Morrison	RCA 89186	1414

7590 04/19/2006
Joseph S Tripoli
Thomson multimedia Licensing Inc
PO Box 5312
Princeton, NJ 08540

EXAMINER

MANNING, JOHN

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/868,426		MORRISON ET AL.	
	Examiner		Art Unit	
	John Manning		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 6, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirata (US Pat No 6,374,406).

In regard to claim 1, Hirata discloses “[a]n electronic mail on which a control command is interpolated is transmitted through a public line, received by a modem section of a gateway, converted to digital data, and supplied to a control section. A CPU of the control section stores the received electronic mail in a RAM, and extracts the control command contained in the electronic mail. The CPU supplies a control signal corresponding to the control command to an interface section. The interface section controls an IR transmission section to transmit a signal corresponding to the control signal supplied from the CPU or outputs a signal through a connection line, and controls a video deck”. The claimed limitations of “receiving by said video processing apparatus an electronic mail message remotely from a user, said electronic mail message comprising a plurality of fields including a subject field having an operating command and another field having control information relating to time and channel data of a selected event” and “processing said electronic mail message in said video processing apparatus to determine said time and channel of the selected event” are met by Figures 3-4 (See Col 5, Line 42 – Col 6, Line 39). The claimed limitation of “forwarding by said video processing apparatus another electronic mail message to the user if there is a conflict between said time and channel data and a preexisting timer event” is met by Figure 6 (see Col 6, Line 45 – Col 7, Line 5). The claimed limitation of “operating said video processing apparatus in response to said operating command and said control information if there is no conflict between said time and channel data and any preexisting timer event” is met by Figure 7 (see Col 7, Lines 6-26 and Col 7, Line 45 – Col 8, Line 4).

In regard to claim 2, the claimed limitations of “receiving a message directly from a user in email format including sender, subject and control information, wherein the subject comprises an operating command for operating said video processing apparatus” and “processing, in said video processing apparatus, said message to determine said control information” are met by Figures 3-4 (See Col 5, Line 42 – Col 6, Line 39).

Claim 5 is met by that discussed above for claim 1.

In regard to claim 6, Hirata discloses “said step of controlling comprises programming an event timer, associated with said video recording device, using said time and channel data” (See Col 7, Lines 49-53).

In regard to claim 7, Hirata discloses “said control information comprises program data” (Figure 3; “Date”, “From”, “To” and “Ch”).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 and 8-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata.

In regard to claims 3-4 and 9, Hirata discloses “turning on said video processing apparatus at the desired time and selecting a program in response to said time and

channel data" as discussed for claims 1-2. Hirata fails to explicitly disclose the use of password for user verification. However, the Examiner takes Official Notice that it is notoriously well known in the art to use a password for user verification so as to prevent unauthorized users from accessing the system. Consequently, it would have been obvious to one of ordinary skill in the art to modify Hirata with the use of password for user verification for the stated advantage.

In regard to claim 8, Hirata fails to explicitly disclose passing said program data to the electronic program guide to determine the time and channel information associated with said program data, said program data corresponding to a program listed in said electronic program guide. However, the Examiner takes Official Notice that it is notoriously well known in the art to use an electronic program guide to gather program information so as to provide the user and/or the system with necessary information. Consequently, it would have been obvious to one of ordinary skill in the art to modify Hirata with using an electronic program guide to gather program information for the stated advantage.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM
April 13, 2006



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600